

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application:

Patent Case No.	19258CC
Examiner	J. Martinell
Art Unit	1633

04/16/01  
10/16/01  
13c661  
10/16/01

11000 U.S. PTO  
09/835699  
04/16/01

Assistant Commissioner for Patents  
Washington, D.C. 20231

This is a request for filing a ☒ Continuation ☐ Divisional  
application, under 37 C.F.R. 1.53(b), of pending application Serial No. 08/720,758  
October 1, 1996 of M. E. Armstrong, R.D. Keys, J.A. Lewis, M.A. Liu and W.L. McClements  
(DATE) (INVENTOR)

for POLYNUCLEOTIDE HERPES VIRUS VACCINE (TITLE OF INVENTION)

- The enclosed comprises a copy of prior application Serial No. 08/720,758, as filed on October 1, 1996. The entire disclosure of this prior application is hereby incorporated by reference.
- The filing fee is calculated below:

## CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total Claims	13	20	\$18	\$0
Independent Claims	2	3	\$80	\$0
*Multiple Dependent Claims			\$270	\$710
Basic Fee (minimum amount required)				\$710
				Total Fee

\* Add this fee if application contains any multiple dependent claims, regardless of number.

The Assistant Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to  
Account No. 13-2755.

☒ Amend the specification by inserting before the first line the sentence:  
-- This is a ☒ continuation, ☐ division of application Serial No. 08/720,758  
filed October 1, 1996

- ☐ Cancel in this application original claims:
- ☐ Preliminary amendment enclosed.
- ☐ Information Disclosure Statement/PTO-1449 enclosed.
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- ☐ New formal drawings are enclosed.
- a. ☐ Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ is claimed under 35 U.S.C. 119.  
(COUNTRY)
- b. ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☒ The prior application is assigned to Merck & Co., Inc. Rahway, New Jersey 07065
- ☒ The undersigned attorney or agent has:
  - ☒ Power in the prior application as originally filed.
  - ☐ Associate power, copy enclosed.

### EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT April 16, 2001

EXPRESS MAIL NO. EL523907931US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

MAILED BY J.B. Crowley DATE 4/16/01

Respectfully,

J. Mark Hand  
By: J. Mark Hand  
Attorney \_\_\_\_\_ for Applicant(s)  
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Telephone: (732) 594-3905  
Address: Merck & Co., Inc.  
Patent Department  
P.O. Box 2000 - RY60-30  
Rahway, N.J. 07065-0907  
Date: April 16, 2001

IN DUPLICATE

Enclosure